

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

TAKEN UP WRIT PETITION NO : 12037 of 2005

Between:

Smt. Reddy Mass Sudha Rani, W/o. Late Ashirvadan,
R/o. Nevellagudem, Nampally Mandal, Nalgonda District.

..... PETITIONER

AND

- 1 The Sub- Inspector of Police, Police Station Nampally,
Nalgonda District.
- 2 The Superintendent of Police,
Nalgonda District at Nalgonda
- 3 The Director General of Police,
Govt., of A.P., Hyderabad.
- 4 The Secretary to Govt., of A.P., Home (Police) Department,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the telegram dated 06-05-2005, the High Court may be pleased to issue an order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the respondents herein relating to attacking, abusing in filthy language and assaulting the petitioner herein and her elderly mother at her house on 29-3-2005 at 8-30 P.M along with other police Personnel and the accused persons for the reason that the petitioner herein made a complaint against the Sub-Inspector of Police, Nampally, Nalgonda District to the Higher Police Officials for not taking action against the accused persons, and hence this Hon'ble court is requested to pass appropriate orders directing the concerned authorities to take action against the erring Police Officials and the accused ones, who assaulted the Petitioner herein and her aged mother and to

protect the petitioner herein and here aged mother in the interest of justice and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:TELEGRAM

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

The telegram sent to this Court reads as under:

"I Reddy Mass Sudha Ranim W/o Late Ashirvadam, R/o Nevellagudem, Nampally Mandal, Nalgonda District submit that the Sub-Inspector of Police of Nampally in Nalgonda District was intentionally , wontedly supported the accused person. The Sub-Inspector of Police came to my house along with the Station Writer and two Home Guards, two Constables on 29-03-2005 at about 8.30 night in civil dress and attacked on my house and beat me with hands and abused in most filthy language and also beat my old aged mother when she objected the police illegal acts and illegal attack. The Sub-Inspector was not taken any action on the accused, but he influenced by the accused and attacked on my home is complaint, that being a woman and complaint. I given a complaint before the higher police officers. The SI was developed grudge on me for reason of complaint filed by me with his higher Officer and keep the same in his mind and attacked on my home illegally against justice. As a woman I am not having any alternative way except to approach the Hon'ble Chief Justice of A.P.High Court.

It is requested that kindly take action against the wrong doers and protect the justice in the interest of the Justice."

Prima facie, it discloses commission of an offence, therefore, in our view, the Police had to register a complaint and start investigation in terms of law, but since the complaint was against a Police Officer, a different method was adopted as is revealed in the counter-affidavit filed by the Circle Inspector of Police, who submits that he enquired about the allegations contained in the telegram. The Police had

also received a complaint from the petitioner making the same allegations, which have been made in the telegram sent to this Court. The Inspector of Police submits that he examined 8 witnesses and found that the allegations were baseless, thereby acting as Prosecutor as well as Judge himself. No case has been registered on the basis of the complaint filed by the petitioner. On the other hand, a case has been filed against the petitioner being Crime No.19 of 2005. In this view of the matter, we direct that a first information report be registered on the basis of the complaint received by the Police as well as by this Court by way of a telegram and investigation be conducted by an Officer other than the Officer who has filed the counter-affidavit.

The writ petition is accordingly disposed of. No order as to costs.

(Bilal Nazki, ACJ)

24th June, 2005

(G.Chandraiah,J)

-

vrn

To

- 1 The Sub- Inspector of Police, Police Station Nampally,
Nalgonda District.
- 2 The Superintendent of Police,
Nalgonda District at Nalgonda
- 3 The Director General of Police,
Govt., of A.P., Hyderabad.
- 4 The Secretary to Govt., of A.P., Home (Police) Department,
Secretariat, Hyderabad.

5 Two C.Cs to the G.P.for Home, High Court Buildings, A.P.,
Hyderabad.(OUT)

6 Two C.D copies

7 The Section Officer concerned, PIL Cell, High Court Buildings,
A.P., Hyderabad.

8 The Secretary, A.P. State Legal Advisory Board, High Court
Buildings, A.P., Hyderabad

9 The Secretary to Government, Home Department, Secretariat,
Hyderabad.